

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| | | |
|----------------------------------|---|-------------------------------|
| JILL WRIGHT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO. |
| v. |) | _____ |
| |) | |
| TARGET CORPORATION, ABC |) | |
| CORPORATIONS #1-3, and JOHN DOES |) | Removed From Gwinnett |
| #1-3, |) | State Court Civil Action File |
| |) | No.: 23-C-04718-S2 |
| Defendants. |) | |
| |) | |

NOTICE OF REMOVAL

COMES NOW, Target Corporation, d/b/a Target, a Minnesota Profit Company, (hereinafter "Target"), a Defendant in the above-styled action, and files this Notice of Removal. Pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, the Defendant seeks to remove this action from the State Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division.

Removal is based on diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff Jill Wright ("Plaintiff") and Target have complete diversity of citizenship and the amount in controversy exceeds \$75,000.00. In support of this Notice, Target states as follows:

I. BACKGROUND

1. This case was originally filed by Plaintiff in the State Court of Gwinnett County, Georgia on July 10, 2023 (“Complaint”). Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Target are attached hereto as “Exhibit A.”
2. Target received a copy of the Summons and Complaint via its registered agent, Corporation Service Company located at 289 Culver Street, Lawrenceville, GA 30046 on July 21, 2023. See Service of Process Transmittal Summary attached hereto as “Exhibit B.” Target does not waive any available defenses in this case when filing this Notice of Removal. Furthermore, the Notice of Removal was timely filed within thirty days of receipt of the Complaint.
3. The Plaintiff brings this cause of action for a purported negligence claim related to an alleged slip and fall occurring at a Target store located in Bethlehem, Georgia on July 9, 2022. Plaintiff alleges that Target and its employees, in addition to ABC Corporations #1-3 and John Does #1-3, caused or contributed to Plaintiff slipping on the floor and falling to the ground, ultimately causing injury. See Complaint, ¶¶ 9-36. She claims as a result of her fall to experience “pain and suffering, physical and mental injury,

including shock, fright, and terror, loss of the capacity for the enjoyment of life, and permanent injuries which Plaintiff endured and continues to endure, in an amount to be determined by the enlightened conscience of the jury after hearing the evidence at trial.” See Complaint, ¶ 38.

II. THIS NOTICE OF REMOVAL IS TIMELY FILED IN THE PROPER VENUE

4. This lawsuit is a civil action within the meaning of the Acts of Congress relating to removal of causes.
5. The removal of this action to this Court is timely under U.S.C. § 1446(b) because it is filed within thirty days of receipt of the Complaint by Target. See 28 U.S.C. § 1446(b)(2)(B).
6. The United States District Court for the Northern District of Georgia, Atlanta Division, is the proper place to file this Notice of Removal under 28 U.S.C. § 1441(a) because it is the federal district court that embraces the place where the original action was filed and is pending.

III. THIS COURT HAS DIVERSITY JURISDICTION

A. Complete Diversity of Citizenship

7. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff and Defendant have complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

See 28 U.S.C. § 1332(a).

8. Plaintiff, Jill Wright, is an individual who, upon information and belief, resides in and is domiciled in Georgia. For purposes of determining diversity jurisdiction, Plaintiff is therefore, a citizen of Georgia. 28 U.S.C. § 1332(c)(2).
9. Defendant Target is a domestic for Profit (Business) Corporation incorporated and domiciled in the State of Minnesota, with its principal place of business in Minnesota. See Minnesota Business Filing Details, attached hereto as “Exhibit C.” Target’s Statutory Agent is CT Corporation System located at 1010 Dale Street N., St. Paul, Minnesota 55117-5603. For purposes of determining diversity jurisdiction, Target is therefore, a citizen of Minnesota. 28 U.S.C. § 1332(c)(2).
10. Therefore, complete diversity of citizenship exists between Plaintiff and Target.

B. Amount in Controversy

11. It is clear that the amount in controversy exceeds \$75,000.00. See Complaint, *generally*. Plaintiff alleges in her complaint current special damages “exceeding \$22,000.” See Id., ¶ 21. Plaintiff also alleges past, present, and future medical expenses. See Id., ¶ 39. While the Plaintiff alleged special damages in excess of \$22,000 in her Complaint, she made a demand to Target

in the amount of \$249,500. See Demand dated February 14, 2023, attached hereto as "Exhibit D." Attachments to the Demand are not being included.

12. Although Target denies that Plaintiff is entitled to recover any amount and specifically denies that Plaintiff is entitled to relief in the various forms sought, Plaintiff's Complaint and Demand establish the amount in controversy to be more than \$75,000.00, exclusive of interest and costs. See Exhibit D, *generally*.
13. In sum, this Court has diversity jurisdiction in this action because (i) there is complete diversity of citizenship between Plaintiff and Target, and (ii) an amount in excess of the \$75,000.00 jurisdictional threshold is at issue.

**IV. NOTICE OF REMOVAL TO THE STATE COURT
OF GWINNETT COUNTY, GEORGIA.**

14. Concurrently with this Notice, Target will file a copy of this Notice with the State Court of Gwinnett County, Georgia, where this action is currently pending, and will provide Plaintiff with written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).
15. All fees required by law in connection with this Notice of Removal have been paid by Defendant Target.
16. All the other requirements for removal and for federal court jurisdiction have been satisfied.

17. By filing this Notice of Removal and the associated attachments, Defendant Target does not waive any objections they may have as to service, jurisdiction, or venue, or any other claims, defenses, or objections that are or may be available to them in this action. Furthermore, Defendant Target intends no admission of fact, law, or liability by this Notice, and they expressly reserve all defenses, motions, and/or pleas.

V. CONCLUSION

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Target hereby removes this action from the State Court of Gwinnett County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 21st day of August, 2023.

HUFF, POWELL & BAILEY, LLC

/s/ Brian K. Mathis
BRIAN K. MATHIS
Georgia Bar No. 477026

*Counsel for Defendant
Target Corporation*

999 Peachtree Street, NE, Suite 950
Atlanta, Georgia 30309
(404) 892-4022
bmathis@huffpowellbailey.com

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rules 5.1(B) and 7.1(D), I hereby certify that the foregoing filing complies with the applicable font and size requirements and is formatted in Times New Roman, 14-point font.

HUFF, POWELL & BAILEY, LLC

/s/ Brian K. Mathis
BRIAN K. MATHIS
Georgia Bar No. 477026

*Counsel for Defendant
Target Corporation*

999 Peachtree Street, NE,
Suite 950
Atlanta, Georgia 30309
(404) 892-4022
bmathis@huffpowellbailey.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy the NOTICE OF REMOVAL upon all parties or their counsel of record via CM/ECF's Electronic Case Filing System and by Statutory Electronic Service, addressed as follows to assure delivery to:

Kevin A. Adamson
Brittany D. Schwanitz
KEVIN A. ADAMSON, P.C.
4295 International Blvd., Suite D
Norcross, Georgia 30093
kevin@kaapc.com
brittany@kaapc.com

Counsel for Plaintiff

This 21st day of August, 2023.

HUFF, POWELL & BAILEY, LLC

/s/ Brian K. Mathis
BRIAN K. MATHIS
Georgia Bar No. 477026

*Counsel for Defendant
Target Corporation*

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Atlanta, Georgia 30309
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bmathis@huffpowellbailey.com